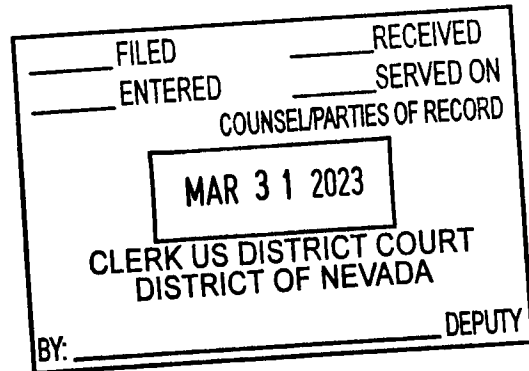


1 Darren Chaker
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6 Self-Represented



7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 DARREN CHAKER,
11 Plaintiff,

12 v.

13 FELIPA R. RICHLAND, et. al.,
14 Defendants.

Case No.: 2:22-cv-00348-JAD-EJY
[Fmr. Case No. 2:2007ms00067]

**NOTICE OF OBJECTION TO
MAGISTRATE JUDGE**

**[CONDITIONALLY FILED UNDER
SEAL]**

15
16
17 COMES NOW PLAINTIFF and files this Notice of Objection to
18 Magistrate Judge.

19 **I. THE MAGISTRATE COURT HAS PUBLISHED SEALED**
20 **MATERIAL WHICH ENDANGERS PLAINTIFF'S LIFE.**

21 The magistrate judge in the instant case is the same magistrate
22 judge in *Chaker-Delnero v. Nevada Federal Credit Union*, Case No.
23 **2:06-cv-00008-JAD-EJY**. In that case it was recently discovered
24 multiple items within the record which should not be a public record are a
25 public. Specifically, two different Application's to File Under Seal which
26 references to several sealed records are public records. (Docket 32 & 35).
27 Plaintiff's new address was submitted to the court under seal but appears in
28 the record. (Docket 42)

NOTICE OF OBJECTION TO MAGISTRATE JUDGE - 1

1 The magistrate judge also makes a nexus of being in an address
2 confidentiality program and Plaintiff's name in its court order, a public
3 record.

4 The fact Plaintiff is a member of a victim address confidentiality
5 program is confidential as well. See Cal. Gov. Code, § 6206.4. By publicizing
6 the fact what Government program provides him safety also places him at
7 risk since the counter-measures employed under the program provide
8 detailed information on what services are offered. Thus, a blue print is
9 provided to a potential assailant of what not to look for, information
10 protected under the statute, and what to look for – information not protected
11 under the statute. Plaintiff solicited this honorable court to protect his
12 information and preserve sealed records under seal, not to quantify the
13 jeopardy he faces and broadcast sealed records on the internet.

14 It is presumed Plaintiff is in danger when conduct of the magistrate
15 judge has illuminated sealed records and other information which may
16 provide information about his "location and activities." Specifically,
17 California Government Code § 6209.7, amended September 28, 2022
18 protects participants in a broader sense than before. California Government
19 Code Section 6209.7 (b) (1) reads: The fact that a participant is registered
20 with the program shall create a rebuttable **presumption that disclosure**
21 **of information about the participant's location and activities** during
22 the period of the registration, including, but not limited to, the participant's
23 current and past residential, work, or school addresses and other location
24 information, would lead to the discovery of the participant's actual
25 residential address or physical location, **would endanger the safety of**
26 **the participant, and is not authorized.**
27
28

1 Even though state law does not dictate what a federal court should do,
 2 federal courts have looked to state law for guidance in recognizing new or
 3 existing privileges. *Jaffee v. Redmond*, 518 U.S. 1, 12-13, 135 L.Ed.2d 337
 4 (1996); see *Folb v. Motion Picture Industry Pension & Health Plans*, 16 F.
 5 Supp.2d 1164, 1170, fn.6 and 1178-1179 (N.D. Cal. 1998) [federal courts
 6 should look at state legislature and judicial decisions adopting a privilege as
 7 an important indicator of both reason and experience]. State rules of privilege
 8 provide persuasive weight. Fed. R. Evid. 501; *Lewis v. United States*, (517 F.
 9 2d 236 (9th Cir. 1975).

10 By law, Plaintiff is afforded a **legal presumption of endangerment**
 11 merely by virtue of my enrollment in the Safe at Home program. California
 12 Government Code Section 6209.7 (b)(1), which affords me heightened privacy
 13 and safety protections, reads:

14
 15 The fact that a participant is registered with the program
 16 shall create a rebuttable presumption that disclosure of
 17 information about the participant's location and activities
 18 during the period of the registration, including, but not
 19 limited to, the **participant's current and past**
 20 **residential**, work, or school addresses and **other location**
 21 **information**, would lead to the discovery of the
 participant's actual residential address or physical location,
 would endanger the safety of the participant, and is not
 authorized.

22 This statute goes on to explain the reasoning underlying the Act's
 23 expansive protections, namely that "disclosure of information about the
 24 participant's location and activities ... would endanger the safety of the
 25 participant, and is not authorized." *Id.*

26 Thus, not only did the magistrate court deny Plaintiff underlying
 27 motion, it has multiplied the presumptive danger to Plaintiff by publishing
 28 sealed records, address information, and the fact he is in Safe at Home. As

1 such, Plaintiff has, “a reasonable fear for [his] safety” and for the safety of
 2 those who are close to me, including [all] those associated with [my current
 3 and prior home addresses].” See, e.g., Gov't Code § 6208.1 et seq.

4 A federal court's prior interpretation of California law is only binding
 5 in the absence of any subsequent indication from the California courts that
 6 the interpretation was incorrect. *Munson v. Del Taco, Inc.*, 522 F.3d 997 (9th
 7 Cir. 2008), certified question answered, 46 Cal. 4th 661, 208 P.3d 623
 8 (2009). Plaintiff's presumptive endangerment is contained in the record and
 9 highlighted by a few of the twenty decisions granting relief to Plaintiff.

10 *In Doe v. Univ. Acct. Serv., LLC*, No. 09-CV-01563-BAS-JLB, 2022 WL
 11 623913, at *1 (S.D. Cal. Mar. 3, 2022), the held in part,

12
 13 Plaintiff has provided proof of his acceptance into the Safe at
 14 Home Program and submits a declaration that explains his
 15 reason for participating in the program. (Pl.'s Decl., ECF No.
 16 12 at 22.) Plaintiff was subpoenaed in 2010 as a witness in a
 17 criminal case. (*Id.* ¶ 6; Ex. FF.) According to Plaintiff's
 18 declaration, on the day of the crime, he heard screams for
 19 help coming from the building across from his residence. (*Id.*
 20 ¶ 6.) On his way to the building, he flagged down a passing
 21 police car, and entered the building through a fire escape
 22 door together with the police officer. (*Id.*) Plaintiff found
 23 himself in a crime scene, where a male suspect was
 24 approaching another person covered in blood. (*Id.*) The police
 25 officer arrested the male suspect for murder. (*Id.*) On his
 26 video device, **Plaintiff recorded the male suspect**
 27 **stating he killed the victim.** (*Id.*) Plaintiff has received
 28 numerous death threats since that incident, which he
 believes are due to his cooperation in the investigation and
 videotaping of the male suspect's statements. (*Id.* ¶ 7.) These
 threats include text messages Plaintiff received from an
 unknown number, **featuring images of headless men.**
 (*Id.* ¶ 8; Ex. GG.) Plaintiff also provides evidence that an
 unknown man in a trench coat attempted to enter his home.
 (*Id.* ¶ 9; Ex. HH.) (emphasis added)

1 Here, Plaintiff has shown that he witnessed a violent crime
 2 and received threats to his personal safety, which led him to
 3 participate in the Safe at Home Program. As the Ninth
 4 Circuit instructs, Plaintiff does not need to prove that the
 5 threats will be carried out as long as he can show that a
 6 reasonable person would believe so. *Advanced Textile*, 214
 7 F.3d at 1071. **Based on the nature of the threats he**
 8 **received, the Court finds that Plaintiff reasonably**
 9 **believes that he is in danger.** Plaintiff has thus
 established that anonymity is “necessary ... to protect [him]
 from harassment or injury.” Doe, 655 F.2d at 922 n.1....
 Accordingly, the Court grants the request to redact and
 replace Plaintiff’s name in the record.”

10 In *Doe v. Bank One Corporation* 1:06-cv-02932 (1/31/22), the Honorable
 11 Judge Franklin U. Valderrama, United States District Court, Northern
 12 District of Illinois, Eastern Division, found,

13
 14 Plaintiff explains that he is protected under California Code
 15 of Civil Procedure § 367.3 and California Government Code §
 16 6205 (the Safe at Home Program) which allows crime victims
 17 to keep their names and identifying information
 18 confidential. *Id.* at 1, 3–4. In support, Plaintiff has attached
 19 proof of his participation in the Safe at Home Program, a
 20 letter confirming his California Department of Motor
 21 Vehicles (DMV) records have been suppressed due to being a
 22 participant in the program, and a photograph demonstrating
 23 the ongoing threats of physical violence he has
 24 received...replace Plaintiff’s name with “John Doe.” Here
 25 too, the Court finds that **Plaintiff has demonstrated that**
 26 **he is in real danger of physical harm if the Court**
 27 **denies his request to change his name on the case**
 28 **caption and redact his personally identifying**
information, specifically his address and his email address.
 Plaintiff has provided evidence of his participation in the
 Safe at Home Program, of a threat, and of his connection
 with a criminal event....Court Record (R. [50]) in part and
 denies it in part. The clerk is directed to replace all
 references to Plaintiff’s name with “John Doe” on the docket.

1 Additionally, the clerk is directed to seal R. [47], as it
2 includes Plaintiff's address."

3 In *Doe v. American Recovery Services, Inc.* No. 1:07-cv-04593, the
4 Honorable Charles P. Kocoras, United States District Court, Northern
5 District of Illinois, Eastern Division, stated (Exhibit J), "The Clerk is ordered
6 to change Plaintiff's name to "John Doe."

7 On September 8, 2021, the Honorable James C. Mahan issued a sealed
8 order sealing *Doe v. Clark County Collection Services*, 2:06-cv-00123-JCM-
9 BNW. The Court found in part in its sealed order,

10 Plaintiff entered a confidentiality program to protect his
11 identity from persons who threatened him with death. (ECF
12 No. 15). Plaintiff cites several methods those who intend to
13 cause him harm use to mine data from public records.

14 Where partially sealing and redacting the record risks a latent
15 identifying factor in an unsealed filing that could lead to
16 plaintiff's discovery, sealing the entire record nullifies that risk.
17 Thus, an order sealing the entire record is narrowly tailored to
18 serve the compelling reason of maintaining plaintiff's safety.

19 Thus, plaintiff's need to avoid discovery by those sending
20 the death threats is a compelling reason to seal this
21 matter... and the same hereby is, GRANTED.

22 Given the above findings from multiple courts and the additional
23 orders filed as exhibits in his motion before the magistrate judge, Plaintiff
24 believes the need to grant this motion in full is pressing. Not only his name
25 remains in the public record, but records which should not disclose his
26 current address nor the fact he is in Safe at Home are also public. As are
27 records which should have been filed under seal remain public.

28 Additionally, at page 3, Line 27, of the magistrate judge's order is its
disbelief the court orders submitted to the court did in fact relate other
courts sealing and/or redacting records. The court stated, "Plaintiff's name

1 does not appear in all of these orders.” First, Plaintiff attested under
2 penalty of perjury the orders related to him. The magistrate court could had
3 also contacted the Clerk of the Court for various districts and inquired if the
4 John Doe was the Plaintiff. Respectfully, the inquiry could had been made
5 with the Clerk for the Nevada District.¹ To dissolve this disbelief Plaintiff
6 attaches the dockets for a few of the sealed cases showing his name prior to
7 redaction.²

8 Additionally, also at page 3 of the order, Lines 22-27, the magistrate
9 judge provides a road map of all cases Plaintiff has sealed. Providing
10 geographical information of the locations of sealed cases and attaching
11 Plaintiff’s name to that geographical area can only further jeopardize his
12 safety.

13 The magistrate judge in the instant case, issued an order indicating it
14 did not see merit in Plaintiff’s motion to seal since the case was old. The
15 court’s wisdom in its order fails to cite any law in support of its conclusion.

16 Plaintiff attaches several orders for cases far older than the case before
17 the court. For example, Exhibit A of the **attached Motion to Seal Records**
18 (3.28/23), was issued by Sen. District Court Judge Jeffrey T. Miller of the
19 Southern District of California for a case filed in **1998**. Similarly, former
20 Chief District Court Judge Barry Ted Moskowitz of the same district issued
21 Exhibit B in 2021 for a case filed in **1999**.

22 Likewise, in the last two years additional courts issued orders for cases
23 older than the one before this honorable court. Specifically, Exhibits C, D, E,
24

25
26 ¹ See *Doe v. Collectco, Inc.*, No. 206CV00244JCMDJA, 2021 WL 3199210, at *3 (D.
27 Nev. July 27, 2021) [redaction]; *Doe v. Clark County Collection Services* 2:06-cv-
00123-JCM-BNW [sealing entire case].

28 ² Exhibits A-F shows the unredacted docket and subsequent court order redacting
or sealing the case. Plaintiff provided the magistrate judge with almost two dozen
orders granting redaction or completely sealing the underlying case.

1 & F attached to the Motion to Seal Records filed concurrently with this
 2 motion also dealt with cases older than the instant case before this court and
 3 are from 2006. Exhibit G is an order issued by District Court Judge Cynthia
 4 Bashant of the Southern District of California for a 2009 case. Exhibit H is a
 5 2007 case. Exhibits I (2009), J (2010), K (2000) are orders issued by the
 6 Ninth Circuit also granting full redaction of plaintiff's information and
 7 changing his name to John Doe.

8 Similarly, Exhibit G is an order issued by District Court Judge Marilyn
 9 L. Huff for a 2005 case involving the same party, Felipa Richland, as the
 10 instant case.³

11 None of the courts discarded Plaintiff's motion or pondered why a
 12 motion which clearly spells out legitimate reasons to seal or redact records in
 13 an antiquated case. It is possible the reason is that a threat does not cease
 14 and must be taken seriously. *See* Exhibit T (retroactive effect of law).

15 With the above in mind, the magistrate court's rational for denying
 16 plaintiff's motion is divorced from reality. Further publishing protected
 17 information is malicious. This has forced Plaintiff to file a judicial complaint
 18 with the Ninth Circuit concerning the magistrate judge's conduct.

19 **II. THE MAGISTRATE JUDGE'S DECISION TO ALTER THE** 20 **RECORD AND DENIED HIM HIS RIGHT TO FILE** 21 **OBJECTIONS TO A MAGISTRATE JUDGE'S ORDER.**

22 The May 3, 2022 order issued by the magistrate judge in this case
 23 found the motion to seal records did not have "no relationship: to the case
 24 before it. The fact Plaintiff's name and other identifying information are
 25 public record creates the relationship. First, Section 367.3 defines that as
 26 "identifying characteristics" that must be redacted. (Civ. Proc. Code, §
 27

28 ³ It should be noted this motion does not prejudice Defendant Richland since subsequent to
 losing an appeal on anti-SLAPP basis (*Nathan Enterprises Corp. v. Chaker*, 2010 Cal. App.
 Unpub. LEXIS 7604) she agreed to waive the judgement filed in this case. See Exhibit I.

1 367.3, subd. (a)(1) [identifying characteristics include the protected person's
 2 "address or any part thereof," "city or unincorporated area of residence," and
 3 other "contact information," emphasis added].) Allowing the caption to
 4 remain the same allows a third party to view where a lawsuit was filed.

5 As the legislative history puts it, "**once 'the participant's name**
 6 **appears on a court index and the Internet, their physical locale is**
 7 **known.** Court records are a common tracking source for abusers." (Sen.
 8 Com. On Judiciary, Analysis of Assem. Bill No. 800 (2019-2020 Reg. Sess.)
 9 July 23, 2019 p. 5.)⁴ Those who would do harm to or harass the protected
 10 person need only show up at a hearing or at trial to locate the protected
 11 person and then trail them back home. That is precisely what the
 12 Legislature sought to prevent when it protected certain **types of crime**
 13 **victims and reproductive health professionals.**

14 The magistrate court insulated itself from review of the District Court
 15 by discarding the motion before and the in excess of eighty pages of exhibits.
 16 Denying a motion is one thing, but altering the record to ensure review is
 17 impossible is highly improper especially given the safety risks to Plaintiff.

18 Further, the same magistrate judge is assigned to *Chaker-Delnero v.*
 19 *Nevada Federal Credit Union*, Case No. 2:06-cv-00008-JAD-EJY and
 20 recently entered an order denying the fact an Objection to a Magistrate
 21 Judge's Order and follow-up Supplemental was filed in that case. See email
 22 to supervisory clerk Exhibit G and Exhibit J Delivery Confirmation by US
 23 Postal Service. Put simply, be it the US Marshalls who scan every piece of
 24 mail which comes into the court or the Clerk, there must be a log of
 25 incoming mail to determine where the objections disappeared to.
 26

27
 28 ⁴ All legislative history documents cited throughout this brief are available at
[https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200A](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB800)
[B800.](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB800)

CONCLUSION

The handling of this case demonstrates and privacy lapses within the court personify many reasons why witnesses should not come forward: records which should not be disclosed are public, a court making unsubstantiated decisions, all of which endangers a person's life.

It is respectfully requested the magistrate judge assigned to this case does not hear this matter not to due legal errors, but clear violations of privacy which endanger Plaintiff. Those issues along with the fact Objections to a Magistrate Judge's Order were filed and now cannot be located are of further concern where now it appears the court record is being manipulated to further cheat Plaintiff of any review of the magistrate judge's order.

As such, Plaintiff requests the District Court assign a different magistrate to the case or hear the matter itself.

DATED: March 28, 2023

~~Respectfully submitted,~~

Darren Chaker
Plaintiff

**United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 6.3.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:06-cv-02932**

Chaker v. Bank One Corporation et al
Assigned to: Honorable Franklin U. Valderrama
Cause: 15:1681 Fair Credit Reporting Act

Date Filed: 05/25/2006
Date Terminated: 08/14/2006
Jury Demand: Both
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

Darren Chaker

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V.

Defendant

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Defendant

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Exhibit A

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/25/2006	<u>2</u>	CIVIL Cover Sheet. (mjc,) (Entered: 05/26/2006)
05/25/2006	<u>3</u>	ATTORNEY Appearance for Plaintiff Darren Chaker by Christopher V. Langone. (mjc,) (Entered: 05/26/2006)
05/25/2006	<u>4</u>	ATTORNEY Appearance for Plaintiff Darren Chaker by Mark T. Lavery. (mjc,) (Entered: 05/26/2006)
05/25/2006	<u>6</u>	SUMMONS Issued as to Defendants Bank One Corporation, Equifax Information Services, LLC, Trans Union, LLC, Experian Information Solutions, Inc. (mjc,) (Entered: 05/26/2006)
05/29/2006	<u>7</u>	SUMMONS Returned Executed by Darren Chaker as to Experian Information Solutions, Inc. on 5/26/2006, answer due 6/15/2006. (Langone, Christopher) (Entered: 05/29/2006)

1/

05/29/2006	<u>8</u>	SUMMONS Returned Executed by Darren Chaker as to Bank One Corporation on 5/26/2006, answer due 6/15/2006. (Langone, Christopher) (Entered: 05/29/2006)
05/29/2006	<u>9</u>	SUMMONS Returned Executed by Darren Chaker as to Trans Union, LLC on 5/26/2006, answer due 6/15/2006. (Langone, Christopher) (Entered: 05/29/2006)
05/30/2006	<u>10</u>	MOTION by Plaintiff Darren Chaker to amend/correct <i>Complaint</i> (Langone, Christopher) (Entered: 05/30/2006)
05/30/2006	<u>11</u>	NOTICE of Motion by Christopher V. Langone for presentment of motion to amend/correct <u>10</u> before Honorable Blanche M. Manning on 6/6/2006 at 11:00 AM. (Langone, Christopher) (Entered: 05/30/2006)
06/05/2006	<u>12</u>	MINUTE entry before Judge Blanche M. Manning : Plaintiff's motion to refile complaint in order to redact <u>10</u> is granted. Amended complaint shall be filed by 6/15/06. Mailed notice (rth,) (Entered: 06/05/2006)
06/07/2006	<u>13</u>	AMENDED complaint by Darren Chaker against all defendants (Langone, Christopher) (Entered: 06/07/2006)
06/07/2006	<u>14</u>	NOTICE by Darren Chaker re amended complaint <u>13</u> (Langone, Christopher) (Entered: 06/07/2006)
06/09/2006	<u>15</u>	ATTORNEY Appearance for Defendant Trans Union, LLC by Albert Edward Hartmann (Hartmann, Albert) (Entered: 06/09/2006)
06/09/2006	<u>16</u>	NOTICE of Affiliates pursuant to Local Rule 3.2 by Trans Union, LLC (Hartmann, Albert) (Entered: 06/09/2006)
06/09/2006	<u>17</u>	ATTORNEY Appearance for Defendant Trans Union, LLC by Monica L. Thompson (Thompson, Monica) (Entered: 06/09/2006)
06/09/2006	<u>18</u>	MOTION by Defendant Trans Union, LLC for extension of time to file answer <i>or otherwise plead in response to Plaintiff's Complaint</i> (Hartmann, Albert) (Entered: 06/09/2006)
06/09/2006	<u>19</u>	ATTORNEY Appearance for Defendant Trans Union, LLC by Chad Jay Shifrin (Shifrin, Chad) (Entered: 06/09/2006)
06/09/2006	<u>20</u>	NOTICE of Motion by Albert Edward Hartmann for presentment of motion for extension of time to file answer <u>18</u> before Honorable Blanche M. Manning on 6/22/2006 at 11:00 AM. (Hartmann, Albert) (Entered: 06/09/2006)
06/14/2006	<u>21</u>	ATTORNEY Appearance for Defendant Experian Information Solutions, Inc. by John Matthew Wright (Wright, John) (Entered: 06/14/2006)
06/14/2006	<u>22</u>	NOTICE of Affiliates pursuant to Local Rule 3.2 by Experian Information Solutions, Inc. (Wright, John) (Entered: 06/14/2006)
06/14/2006	<u>23</u>	MOTION by Defendant Experian Information Solutions, Inc. for extension of time to file answer <i>or otherwise respond</i> (Wright, John) (Entered: 06/14/2006)
06/14/2006	<u>24</u>	NOTICE of Motion by John Matthew Wright for presentment of motion for extension of time to file answer <u>23</u> before Honorable Blanche M. Manning on 6/22/2006 at 11:00 AM. (Wright, John) (Entered: 06/14/2006)
06/15/2006	<u>25</u>	ATTORNEY Appearance for Defendant Bank One Corporation by Dabeer M. Roshanali (Roshanali, Dabeer) (Entered: 06/15/2006)
06/15/2006	<u>26</u>	NOTICE of Affiliates pursuant to Local Rule 3.2 by Bank One Corporation (Roshanali, Dabeer) (Entered: 06/15/2006)

1

06/15/2006	<u>27</u>	ANSWER to Complaint by Bank One Corporation(Roshanali, Dabeer) (Entered: 06/15/2006)
06/15/2006	<u>28</u>	NOTICE by Bank One Corporation re answer to complaint <u>27</u> (Roshanali, Dabeer) (Entered: 06/15/2006)
06/21/2006	<u>29</u>	MINUTE entry before Judge Blanche M. Manning : Defendants' motions for extension of time to answer or otherwise plead <u>18</u> <u>23</u> are granted. Status hearing set for 7/18/2006 at 11:00 AM. Mailed notice (rth,) (Entered: 06/21/2006)
06/30/2006	<u>30</u>	MOTION by Plaintiff Darren Chaker to seal <i>Complaint</i> (Langone, Christopher) (Entered: 06/30/2006)
06/30/2006	<u>31</u>	NOTICE of Motion by Christopher V. Langone for presentment of motion to seal <u>30</u> before Honorable Blanche M. Manning on 7/6/2006 at 11:00 AM. (Langone, Christopher) (Entered: 06/30/2006)
07/06/2006	<u>32</u>	MINUTE entry before Judge Blanche M. Manning : Plaintiff's motion to seal the original complaint filed on 5/25/06 <u>30</u> is granted. Mailed notice (mjc,) (Entered: 07/11/2006)
07/12/2006	<u>33</u>	<i>TRANS UNION LLC'S ANSWER</i> to amended complaint <i>AFFIRMATIVE DEFENSES</i> by Trans Union, LLC(Hartmann, Albert) (Entered: 07/12/2006)
07/14/2006	<u>34</u>	ANSWER to amended complaint <i>and Affirmative Defenses</i> by Experian Information Solutions, Inc.(Wright, John) (Entered: 07/14/2006)
07/18/2006	<u>35</u>	MINUTE entry before Judge Blanche M. Manning : Status hearing held on 7/18/2006. Status hearing set for 8/3/2006 at 11:00 AM. Mailed notice (rth,) (Entered: 07/20/2006)
07/19/2006	<u>36</u>	WAIVER OF SERVICE returned executed as to Equifax Information Services, LLC. waiver sent on 6/9/2006, answer due 8/8/2006. (kmt,) (Entered: 07/21/2006)
07/28/2006	<u>37</u>	ATTORNEY Appearance for Defendant Equifax Information Services, LLC by Erin Kelly Smith (Smith, Erin) (Entered: 07/28/2006)
07/28/2006	<u>38</u>	NOTICE of Affiliates pursuant to Local Rule 3.2 by Equifax Information Services, LLC (Smith, Erin) (Entered: 07/28/2006)
07/28/2006	<u>39</u>	ANSWER to Complaint by Equifax Information Services, LLC(Smith, Erin) (Entered: 07/28/2006)
08/03/2006	<u>40</u>	MINUTE entry before Judge Blanche M. Manning : Status hearing held on 8/3/2006. Status hearing set for 10/24/2006 at 11:00 AM. Parties to make 26(a) disclosures by 8/14/06, and conduct 26(f) conference by 9/1/06. Mailed notice (rth,) (Entered: 08/04/2006)
08/04/2006	<u>42</u>	EXECUTIVE COMMITTEE ORDER:Case referred to Magistrate Judge Jeffrey Cole for discovery supervision, settlement conference and all nondispositive pretrial motions. Signed by Judge Executive Committee on 8/4/06. (mjc,) (Entered: 08/10/2006)
08/07/2006	<u>41</u>	MINUTE entry before Judge Jeffrey Cole: Initial status hearing set for 8/17/2006 at 8:30 A.M. before Magistrate Judge Cole in Courtroom 1838. All parties are directed to refer to Judge Cole's "Initial Joint Status Report Procedures", found on "www.ilnd.uscourts.gov" and to comply with its directives before appearing at the status hearing. Mailed notice by judge's staff. (srb,) (Entered: 08/10/2006)
08/11/2006	<u>43</u>	MOTION by Plaintiff Darren Chaker to dismiss <i>voluntarily</i> (Lavery, Mark) (Entered: 08/11/2006)
08/11/2006	<u>44</u>	NOTICE of Motion by Mark T. Lavery for presentment of motion to dismiss <u>43</u> before

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		Honorable Blanche M. Manning on 8/15/2006 at 11:00 AM. (Lavery, Mark) (Entered: 08/11/2006)
08/14/2006	<u>45</u>	MINUTE entry before Judge Blanche M. Manning : Plaintiff's motion to voluntarily dismiss <u>43</u> is granted. This case is dismissed without prejudice. Status hearing stricken. Civil case terminated. Mailed notice (mjc,) (Entered: 08/14/2006)
08/14/2006	<u>46</u>	MINUTE entry before Judge Jeffrey Cole : Pursuant to the order of 8/14/2006 granting the motion to voluntarily dismiss, all matters relating to the referral of this action being resolved, the case is returned to the assigned judge. Status hearing set for 8/17/2006 is stricken. Terminating case referral. Judge Jeffrey Cole no longer referred to the case. Mailed notice (mjc,) (Entered: 08/23/2006)
10/17/2012	<u>47</u>	MOTION by plaintiff Darren Chaker to seal partial record. (mjc,) (Entered: 10/19/2012)
10/22/2012	<u>48</u>	MINUTE entry before Honorable Blanche M. Manning: MOTION by Plaintiff Darren Chaker to seal partial record <u>47</u> is granted. The clerk is directed to redact the account number on Page ID#36, which appears in the "re" line of that document under Mr. Chaker's name as well as in line two of the first paragraph.Mailed notice (mjc,) (Entered: 10/23/2012)
05/26/2021	<u>51</u>	EXECUTIVE COMMITTEE ORDER: Case reassigned to the Honorable Franklin U. Valderrama for all further proceedings. Honorable Blanche M. Manning no longer assigned to the case.. Signed by Executive Committee on 5/26/21.(gcy,) (Entered: 05/26/2021)
08/10/2021	<u>52</u>	SEALED MOTION by Plaintiff Darren Chaker to file under seal. (lma,) (Entered: 08/10/2021)
08/10/2021	<u>53</u>	SEALED DOCUMENT by Plaintiff Darren Chaker (lma,) (Entered: 08/10/2021)

PACER Service Center			
Transaction Receipt			
[REDACTED]			
PACER Login:	[REDACTED]	Client Code:	
Description:	Docket Report	Search Criteria:	1:06-cv-02932
Billable Pages:	4	Cost:	0.40

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN DOE,

Plaintiff,

v.

Bank One Corporation; Equifax
Information Services, LLC; Trans
Union, LLC; Experian Information
Solutions, Inc.,

Defendant.

No. 06-cv-02932

Judge Franklin U. Valderrama

ORDER

Before the Court are Plaintiff John Doe's (1) motions to seal (R. 49, R. 52, R. 54¹); (2) motion to seal the Court record or alternatively replace Plaintiff's name in the caption and direct the Clerk to redact all identifying characteristics from the docket (Motion to Seal Court Record) (R. 50, Mot. Seal Record); (3) supplemental motion in support of ex parte motion to seal records (Supplemental Motion) (R. 53, Suppl. Mot.)²; and (4) supplemental memorandum of points and authorities in support of ex parte motion to seal record (Supplemental Authority) (R. 55, Suppl. Auth.).

The Court grants Plaintiff's motions to file under seal (R. 49, R. 52, R. 54). Because the Court finds that Plaintiff has not sufficiently shown that the Court should seal the entire record, but that Plaintiff has shown good cause to redact his address and email address and replace his name with "John Doe" on the public docket, the Court grants his Motion to Seal Court Record (R. 50) in part and denies it in part.

¹Citations to the docket are indicated by "R." followed by the docket number and, where necessary, a page or paragraph citation.

²Although the Supplemental Motion is titled as a motion, it was not filed as a motion on the docket; accordingly, the Court considers it simply as a supplement to the Motion to Seal Court Record rather than as an independent motion.

STATEMENT

Background

Through his Motion to Seal Court Record and Supplemental Motion, Plaintiff seeks to seal the record and replace his name with “John Doe.” Mot. Seal Record at 18. Plaintiff explains that he is protected under California Code of Civil Procedure § 367.3 and California Government Code § 6205 (the Safe at Home Program) which allows crime victims to keep their names and identifying information confidential. *Id.* at 1, 3–4. In support, Plaintiff has attached proof of his participation in the Safe at Home Program, a letter confirming his California Department of Motor Vehicles (DMV) records have been suppressed due to being a participant in the program, and a photograph demonstrating the ongoing threats of physical violence he has received. Mot. Seal Record at 18 (declaration of Plaintiff that he is a participant in the Safe at Home program); *id.* at 20 (certificate of California Secretary of State); *id.* at 22 (DMV letter); Suppl. Mot. at Exh. N (photograph of threat received by Plaintiff on June 11, 2021); Exh. P (photograph of interview of Plaintiff following break-in at Plaintiff’s home in 2017). Additionally, as part of his Supplemental Memorandum and Supplemental Authority, Plaintiff requests that the Court take judicial notice of several dozen other court decisions sealing or redacting his information. Suppl. Memo. at 4–6; Suppl. Auth. at 3 n.2. The Court grants the request and considers those orders.³

Court’s Jurisdiction Over Plaintiff’s Motions

As a preliminary matter, because Plaintiff’s case was voluntarily dismissed [43] and terminated [45] in 2006, the better course of action would have been for Plaintiff to move to vacate the dismissal order and reinstate the case. However, because the Court determines Plaintiff’s substantive request to seal the Court record or alternatively replace his name, to be an “independent proceeding[] supplemental to the original proceeding and not a request for a modification of the original decree,” the Court therefore retains jurisdiction to resolve it. *Nelson v. Chertoff*, 2010 WL 1856192, at *2 (N.D. Ill. May 10, 2010), *aff’d sub nom. Nelson v. Napolitano*, 657 F.3d 586, 588 (7th Cir. 2011) (quoting *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 396 (1990)).

³The Court may take “judicial notice of matters which are so commonly known within the community as to be indisputable among reasonable men, or which are capable of certain verification through recourse to reliable authority.” *McCray v. Hermen*, 2000 WL 684197, at *2 n.1 (N.D. Ill. May 23, 2000) (quoting *Green v. Warden, U.S. Penitentiary*, 699 F.2d 364, 369 (7th Cir. 1983)). “Included in these matters are ‘proceedings in other courts, both within and outside of the federal judicial system, if the proceedings have a direct relation to matters at issue.’” *Id.* (quoting same); *see also Ennenga v. Starns*, 677 F.3d 766, 774 (7th Cir. 2012) (“Taking judicial notice of matters of public record need not convert a motion to dismiss into a motion for summary judgment.”).

Applicable Law

Although Plaintiff asks this Court to apply California law, the case he cites does not support his position. Plaintiff relies on *Maldonado v. Sec'y of Calif. Dep't of Corr. & Rehab.*, 2007 WL 4249811, at *5 (E.D. Cal. Nov. 30, 2007), for the proposition that the Court should apply California law to seal his case. Mot. Seal Record at 16. However, *Maldonado* is distinguishable because it involved an ongoing case with mixed questions of state and federal law. *Maldonado*, 2007 WL 4249811, at *2. Here, however, Plaintiff's case has been closed for over fifteen years. See R. 45. Even when it was active, it involved only questions of federal and Illinois law, not California law. California law does not apply here, rather, this Court applies Seventh Circuit rules governing the use of pseudonyms and sealing cases.

Sealing the Entire Case

After reviewing the Motion to Seal Record, Supplemental Motion, and Supplemental Authority, the Court denies Plaintiff's request to seal the entire record, as have courts in several well-reasoned decisions of which Plaintiff requested that the Court take judicial notice. See, e.g., *Doe v. L. Offs. of Winn & Sims*, 2021 WL 2662311, at *1 (S.D. Cal. June 29, 2021); *Doe v. Collectco, Inc.*, Docket No. 20, 2:06-cv-00244-JCM-DJA (D. Nev. July 27, 2021). A court should permit the sealing of documents only if there is good cause to do so, that is, the privacy interests of the movant outweigh the interests of the public in full transparency of the judiciary. See *Citizens First Nat'l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999). The decision of whether good cause exists to file a document under seal rests with the Court. See *Id.* ("The determination of good cause cannot be eluded by allowing the parties to seal whatever they want, for then the interest in publicity will go unprotected unless the media are interested in the case and move to unseal."). Moreover, any order sealing documents should be "narrowly tailored" to serve those compelling reasons. *Rahman v. Chertoff*, 2007 WL 2892972, at *4 (N.D. Ill. Sept. 28, 2007) (citing *Grove Fresh Distributors, Inc. v. Everfresh Juice Co.*, 24 F.3d 893, 897 (7th Cir. 1994)); see also *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 587 (N.D. Ill. 2004) ("The Seventh Circuit routinely discourages the sealing of entire pleadings and briefs.") (citing *Pepsico, Inc. v. Redmond*, 46 F.3d 29, 30 (7th Cir. 1995); *In re Krynicki*, 983 F.2d 74, 75 (7th Cir.1992)); *Marcial v. Rush Univ. Med. Ctr.*, 2018 WL 4144634, at *5 (N.D. Ill. Aug. 30, 2018) (denying motion to seal documents in their entirety when redactions could protect moving party's privacy interests); *Perez-Guerrero v. U.S. Atty. Gen.*, 717 F.3d 1224, 1235 (11th Cir. 2013) ("[T]he decision to seal the entire record of the case ... must be 'necessitated by a compelling governmental interest [] and [be] narrowly tailored to that interest.' " (second and third brackets in original) (citation omitted)). Here, sealing the entire record would be overbroad and undermine the "strong presumption" favoring the public's interest in this case, a Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*, lawsuit against a bank and three credit

reporting services. *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 585 (N.D. Ill. 2004); *see Zahran v. Trans Union Corp.*, 2002 WL 31010822, at *1 (N.D. Ill. Sept. 9, 2002).

Proceeding via Pseudonym


The Court finds however, that Plaintiff has shown sufficient reasons to redact his personal information from the record. Under Federal Rule of Civil Procedure 10(a), the title of every “complaint must name all the parties,” and a plaintiff’s use of a fictitious name is contrary to the principle that “[j]udicial proceedings are supposed to be open . . . in order to enable the proceedings to be monitored by the public.” *Doe v. City of Chicago*, 360 F.3d 667, 669 (7th Cir. 2004) (citations omitted). Therefore, “[t]he presumption that parties’ identities are public information.” *Id.* Nevertheless, the Seventh Circuit permits parties to proceed anonymously that presumption, as well as possible prejudice to the opposing party, “can be rebutted by showing that the harm to the plaintiff . . . exceeds the likely harm from concealment.” *Id.* (citations omitted); *see also Doe v. Cook Cty., Illinois*, 2021 WL 2258313, at *3 (N.D. Ill. June 3, 2021). The use of a pseudonym may be appropriate where a party faces a “risk of serious bodily harm.” *Reimann v. Hanley*, 2016 WL 5792679, at *5 (N.D. Ill. Oct. 4, 2016) (citing *United States v. Doe*, 655 F.2d 920, 922 n. 1 (9th Cir. 1980); *M.M. v. Zavaras*, 139 F.3d 798, 803 (10th Cir. 1998) (a plaintiff should be allowed to proceed anonymously only in exceptional cases, including those involving “real danger or physical harm”)). The decision of whether to allow a party to remain anonymous a matter of the court’s discretion. ” *See HTG Cap. Partners, LLC v. Doe(s)*, 2015 WL 5611333, at *8 (N.D. Ill. Sept. 22, 2015) (citing *K.F.P. v. Dane Cnty.*, 110 F.3d 516, 519 (7th Cir. 1997)).

Although the Safe at Home Program is not able to delete information that already exists in public records, it provides that “participants should request that confidential information on public records be replaced by their Safe at home designated mailing address.” *See* Frequently Asked Questions, CALIFORNIA SECRETARY OF STATE, www.sos.ca.gov/registries/safe-home/frequently-asked-questions1 (last visited Jan. 11, 2022). As noted above, in *Doe v. L. Offs. of Winn & Sims*, 2021 WL 2662311, another case which Plaintiff requested to seal, the court found that Plaintiff had not provided sufficient reasons to seal his entire record. However, it found that his participation in the California Safe at Home Program was reason to remove his address from the record and replace his name with “John Doe.” *Id.* (citing *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067–68 (9th Cir. 2000)); *see also Doe v. Collectco, Inc.*, Docket No. 20 at 4–5, 2:06-cv-00244-JCM-DJA (same). The Southern District of California court and District of Nevada court both directed the Clerk of Court to replace Plaintiff’s address on the docket with his Safe at Home address, replace certain documents with redacted versions, and to replace Plaintiff’s name with “John Doe.” Here too, the Court finds that Plaintiff has demonstrated that he is in real danger of physical harm if the Court denies his request to change his name on the case caption and redact his personally identifying

information, specifically his address and his email address. Plaintiff has provided evidence of his participation in the Safe at Home Program, of a threat, and of his connection with a criminal event. And through his motions, Plaintiff seeks to follow the recommendations of the Safe at Home Program, asking—in the alternative to sealing—for the Court to replace his name with “John Doe” and redact his addresses. Although Plaintiff has not provided sufficient reasons to seal the entire record, he has provided enough for the Court to replace his address on public documents with his Safe at Home address, to redact his name, address, and email, and to replace his name with “John Doe” on the public docket.

Therefore, for the foregoing reasons, the Court grants Plaintiff’s Motion to Seal Court Record (R. [50]) in part and denies it in part. The clerk is directed to replace all references to Plaintiff’s name with “John Doe” on the docket. Additionally, the clerk is directed to seal R. [47], as it includes Plaintiff’s address. A redacted version of R. [47] is attached to this Order as Exhibit 1. If Plaintiff wishes for his name to be redacted from any other publicly filed documents, he must file a motion so requesting and attach to his motion redacted versions of each document he wishes to redact. If he chooses to do so, the Court reminds Plaintiff that only his personal identifying information (his name, address, and email address) may be redacted from any publicly filed document.

Date: January 31, 2022



United States District Judge
Franklin U. Valderrama

00-56984 Summary

If you view the **Full Docket** you will be charged for 1 Pages \$0.10

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 00-56984
Nature of Suit: 3530 Habeas Corpus
Chaker v. San Diego Superior, et al
Appeal From: U.S. District Court for Southern California, San Diego
Fee Status: Due

Docketed: 11/30/2000
Termed: 03/30/2001

Case Type Information:

- 1) prisoner
- 2) state
- 3) habeas corpus

Originating Court Information:

District: 0974-3 : CV-99-02260-BTM
Court Reporter: LeeAnn Pence
Trial Judge: Barry Ted Moskowitz, Senior District Judge
Date Filed: 10/21/1999
Date Order/Judgment:
09/22/2000

Date NOA Filed:
11/03/2000

Exhibit C

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 16 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOHN DOE,

Petitioner-Appellant,

v.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO; PEOPLE OF
THE STATE OF CALIFORNIA,

Respondents-Appellees.

No. 00-56984

D.C. No. CV-99-02260-BTM
Southern District of California,
San Diego

ORDER

Before: Lisa B. Fitzgerald, Appellate Commissioner.

Appellant's motion (Docket Entry No. 15) to file under seal his supplemental motion to seal case records is granted. The Clerk will maintain Docket Entry No. 15 under seal.

Appellant's motion for reconsideration (Docket Entry No. 16) is granted.

The Clerk will replace appellant's name with "John Doe" on the public docket and in Docket Entry Nos. 11 and 13. The Clerk will also remove appellant's mailing address from the public docket. The Clerk will seal the remaining electronic docket entries (Docket Entry Nos. 12, 16).

Exhibit D

5/28/2021

Chaker-Delnero v. Collectco (2:06-cv-00244), Nevada District Court

**Chaker-Delnero v. Collectco**[Dashboard](#)**Nevada District Court**

Judge: James C Mahan
Referred: George Foley, Jr
Case #: 2:06-cv-00244
Nature of Suit 890 Other Statutes - Other Statutory Actions
Cause 15:1692 Fair Debt Collection Act
Case Filed: Feb 27, 2006
Terminated: Sep 18, 2006

[Docket](#)[Parties](#)[News](#)

Last checked: never

[Update Parties](#)

Click "Update Parties" to update the party report.

[+ Navigation](#)[Edit Alert](#)

Docket last updated: 7 hours ago

[Update Now](#)**Thursday, May 20, 2021**

13

[notice](#)[Clerks Notice Reassign Judge](#)[Thu 05/20 8:46 AM](#)

CLERK'S NOTICE that this case is randomly reassigned to Judge James C. Mahan for all further proceedings. All further documents must bear the correct case number 2:06-cv-00244-JCM-GWF . (no image attached) (DKJ)

Wednesday, May 19, 2021

12

[5 pgs](#)[motion](#)[Motion Seal](#)[Wed 05/19 8:45 AM](#)

MOTION to Seal by Plaintiff Darren Chaker-Delnero. (DRS) (DRS). (DRS).


Att: 1 (5/19/2021) Motion,





Att: 2 (5/19/2021) Proposed Order

Exhibit E

5/28/2021

Chaker-Delnero v. Collectco (2:06-cv-00244), Nevada District Court


Att: 3  (5/19/2021) 2nd Proposed Order**Friday, October 19, 2012**

- 11  ORDER Denying7 MOTION to Seal Partial Record. Signed by Judge Roger L. Hunt on 10/19/2012. (Copies have been distributed pursuant to the NEF - SLR)
- 10  ORDER that Order8 granting Chakers Motion to Seal Partial Record and the redacted Complaint9 are hereby withdrawn. Signed by Magistrate Judge George Foley, Jr on 10/19/2012. (Copies have been distributed pursuant to the NEF - SLR)
- 9  Withdrawn per 10 Order. (SLR) COMPLAINT Redacted with Jury Demand against Collecto, Inc., filed by Darren Chaker-Delnero. No changes to parties. Proof of service due by 2/16/2013. (SLR) Withdrawn on 10/19/2012 (SLR).
- 8  Withdrawn per 10 Order. (SLR) ORDER Granting7 Motion to Seal1 Complaint. The Clerk of the Court shall re-file Chakers Complaint with the account number at page 3:8 properly redacted under FRCP 5.2. Signed by Magistrate Judge George Foley, Jr on 10/19/2012. (Copies have been distributed pursuant to the NEF - SLR) Withdrawn on 10/19/2012 (SLR).


Monday, October 15, 2012

- 7  MOTION to Seal Partial Record by Plaintiff Darren Chaker-Delnero. Motion ripe 10/15/2012. (SLR)

Monday, September 18, 2006

- 6  ORDER DISMISSING CASE. The parties stipulated that this action is dismissed with prejudice, each party to bear its own costs. Signed by Judge Roger L. Hunt on 9/18/06. (MAJ)




Thursday, September 14, 2006

- 5  STIPULATION of Dismissal with prejudice by Plaintiff Darren Chaker-Delnero. (Friedberg, Craig)

Tuesday, February 28, 2006

- 4  SUMMONS Issued as to Collecto, Inc.. (GEW)

Monday, February 27, 2006

- 3  CERTIFICATE of Interested Parties by Plaintiff Darren Chaker-Delnero. (Friedberg, Craig)
- 2  PROPOSED SUMMONS to be issued to Defendant Collecto, Inc. , filed by Plaintiff Darren Chaker-Delnero. (Friedberg, Craig)
- 1  COMPLAINT against Collecto, Inc. (Filing fee \$ 250 receipt number 127522), filed by Darren Chaker-Delnero. Certificate of Interested Parties due by 3/9/2006.(Friedberg, Craig)

Att: 1  Civil Cover Sheet

Case assigned to Judge Roger L. Hunt and George W Foley, Jr. (GEW)

1
2
3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 JOHN DOE,¹

7 Plaintiff,

8 v.

9 COLLECTCO, INC., dba COLLECTION
COMPANY OF AMERICA, et al.,

10 Defendant.

Case No. 2:06-cv-00244-JCM-DJA

11 **ORDER**

12 Before the Court is Plaintiff John Doe's motion to seal (ECF No. 12), motion to reopen case
13 (ECF No. 15), motion to seal attaching a supplement (ECF No. 16), and two motions to seal
14 attaching motions for judicial notice (ECF Nos. 17 and 19). Because the Court finds that Plaintiff
15 has not sufficiently shown that the Court should seal the entire record, but that Plaintiff has shown
16 good cause to redact his address and email address and replace his name with "John Doe," the Court
17 grants his motions to seal (ECF Nos. 12, 15, and 16) in part and denies his motion to seal attaching
18 his motions for judicial notice (ECF Nos. 17 and 19) as moot. The Court finds these matters
19 properly resolved without a hearing. LR 78-1.

20 **I. Background.**

21 Through his motion to seal and reopen (ECF Nos. 12 and 15), Plaintiff seeks to reopen the
22 case to seal the record and replace his name with "John Doe." Plaintiff explains that he is protected
23 under California Code of Civil Procedure § 367.3 and California Government Code § 6205 (the
24 "Safe at Home Program") which allows crime victims to keep their addresses confidential. Plaintiff
25 supplemented his motion (ECF No. 16) a few months later and filed motions for judicial notice of
26 other court decisions sealing or redacting his information (ECF No. 17 and 19).

27
28 ¹ The Court replaces Plaintiff's name in the caption with John Doe.

II. Standard.

Under Federal Rule of Civil Procedure 10(a), the title of every complaint must “include the names of all the parties,” and a plaintiff’s use of a fictitious name may “run[] afoul of the public’s common law right of access to judicial proceedings.” *Does I through XIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000). “The normal presumption in litigation is that parties must use their real names.” *Doe v. Kamehameha Sch./Bernice Pauahi Bishop Estate*, 596 F.3d 1036, 1042 (9th Cir. 2010). Nevertheless, the Ninth Circuit permits parties to proceed anonymously “in special circumstances when the party’s need for anonymity outweighs prejudice to the opposing party and the public’s interest in knowing the party’s identity. *Does I through XII*, 214 F.3d at 1068; *see United States v. Doe*, 488 F.3d 1154, 1155 n.1 (9th Cir. 2007) (“We are cognizant ‘that the identity of the parties in any action, civil or criminal, should not be concealed except in an unusual case, where there is a need for the cloak of anonymity’”). The decision of whether to allow a party to remain anonymous is within this Court’s discretion. *See Kamehameha Sch.*, 596 F.3d at 1042.

III. Discussion.

A. Ninth Circuit authority applies to this case.

Although Plaintiff asks this Court to apply California law, the case he cites does not support his position. Plaintiff uses *Maldonado v. Sec’y of Cal. Dept. of Corrs. and Rehab.*, for the proposition that this court should apply California law to seal his case. However, *Maldonado* is distinguishable because it involved an ongoing case with mixed questions of state and federal law. *See Maldonado v. Sec’y of Cal. Dept. of Corrs. and Rehab.*, No. 2:06-cv-0269-MCE/GGH, 2007 WL 4249811, at *5-6 (E.D. Cal. Nov. 30, 2007). Here, however, Plaintiff’s case has been closed for fifteen years. Even when it was active, it involved only questions of federal and Nevada law, not California law. California law does not apply here, rather, this Court applies Ninth Circuit rules governing the use of fictitious names and sealing cases.

B. The Court denies Plaintiff’s motion to seal the entire case.

To the extent that Plaintiff asks the Court to seal the entire case, the Court declines. Courts ask two questions to determine whether a qualified First Amendment right of public access applies

1 to a particular proceeding or document: (1) whether the place and process have historically been
2 open to the press and general public; and (2) whether public access plays a significant positive role
3 in the functioning of the particular process in question. *United States v. Doe*, 870 F.3d 991, 997
4 (9th Cir. 2017). Even when this test is satisfied, however, the public’s First Amendment right of
5 access establishes only a strong presumption of openness, and “the public still can be denied access
6 if closure ‘is necessitated by a compelling government interest, and is narrowly tailored to serve
7 that interest.” *Id.* (citing *Times Mirror Co. v. United States*, 873 F.2d 1210, 1211 n.1 (9th Cir.
8 1989)).

9 *United States v. Doe* stands for the proposition that sealing docket entries requires a
10 connection between the threat and the docket entries. *Doe*, 870 F.3d at 998-1001. There, a criminal
11 defendant moved to seal docket entries that showed that he had provided the government
12 information about an international drug cartel in exchange for a lowered sentence. *Doe*, 870 F.3d
13 at 994. Although the defendant had not received specific threats to him or his family, the Ninth
14 Circuit found that sealing was necessary because: (1) the risks to Doe and his family were extreme
15 due to the amount of information Doe had provided, the wealth of the international cartel with
16 which he dealt, and the fact that inmates are routinely required to produce dockets and case
17 documents to prove they didn’t cooperate; (2) the government had an interest in preserving its
18 ongoing investigation; and (3) there were no adequate alternatives to closure because redacted
19 docket entries would immediately look different than those in non-cooperators cases, readily
20 signaling Doe’s cooperation. *See id.* at 998-1001

21 Here, Plaintiff does not overcome the First Amendment right of public access to the case
22 docket. Under the Ninth Circuit test: (1) court’s dockets have historically been open to the press
23 and general public; and (2) public access plays a positive role in the function of preserving case
24 records. Plaintiff does not overcome this right because the remedy of sealing the entire docket is
25 not narrowly tailored to achieving the goal of protecting information covered by the Safe at Home
26 Program.

27 Plaintiff has also not sufficiently connected the threats he has received to the docket to seal
28 the entire record. Even more so than the criminal defendant in *Doe*, who sought only to seal certain

1 entries, here Plaintiff asks the entire case to be sealed. However, less than the criminal defendant
2 in *Doe*—who had verified involvement with an international drug cartel—Plaintiff speculates that
3 a criminal enterprise is the source of threats against him. The docket also contains very few
4 references to Plaintiff’s address or email. On balance, however, Plaintiff has provided evidence of
5 a serious threat. Under the *Doe* factors: (1) Plaintiff has alleged that the risks are extreme but has
6 not directly connected them with the docket like the defendant in *Doe* who could show that the
7 docket would form the basis for others to threaten him and his family; (2) the California government
8 has shown an interest in protecting its citizens through the Safe at Home Program; and (3) there are
9 adequate alternatives to sealing the entire record. Although the second factor weighs in Plaintiff’s
10 favor, the first and second weigh in favor of a narrower remedy. The Court thus denies Plaintiff’s
11 motion insofar as it asks for his entire case to be sealed.

12 ***C. The Court grants Plaintiff’s motion to redact his personal information.***

13 Plaintiff has shown sufficient reasons to redact his personal information from the record.
14 While the Safe at Home Program is not able to delete information that already exists in public
15 records, it does provide that “participants should request that confidential information on public
16 records be replaced by their Safe at home designated mailing address.” *See Frequently Asked*
17 *Questions*, CALIFORNIA SECRETARY OF STATE, [https://www.sos.ca.gov/registries/safe-](https://www.sos.ca.gov/registries/safe-home/frequently-asked-questions1)
18 *home/frequently-asked-questions1*. (last visited Jul. 20, 2021). In *Doe v. Law Offices of Winn and*
19 *Sims et al.*—another case which Plaintiff requested to seal—the Southern District of California
20 found that, although Plaintiff had not provided sufficient reasons to seal his entire record, his
21 participation in the California Safe at Home Program was reason to remove his address from the
22 record and replace his name with “John Doe.” *See Doe v. Law Offices of Winn and Sims et al.*, No.
23 3:06-cv-00599-H-AJB, 2021 WL 2529617, at *1-2 (S.D. Cal. June 21, 2021); *see Doe v. Law*
24 *Offices of Winn and Sims et al.*, No. 3:06-cv-00599-H-AJB, (ECF No. 17) (S. D. Cal June 29, 2021).
25 The court declined Plaintiff’s requests to seal the entire case but directed the Clerk of Court to
26 replace his address on the docket with his Safe at Home address, replace certain documents with
27 redacted versions, and to replace Plaintiff’s name with “John Doe.” *See id.*

1 Here, the Court finds good reason to redact Plaintiff's address and email and replace his
2 name with "John Doe." Plaintiff has provided evidence of his participation in the Safe at Home
3 Program, of a threat, and of his connection with a criminal event. And through his motions, Plaintiff
4 seeks to follow the recommendations of the Safe at Home Program, asking—in the alternative to
5 sealing—for the Court to replace his name with "John Doe" and redact his addresses. The Court
6 finds the Southern District of California's approach to Plaintiffs' similar requests persuasive,
7 although it does not find the need to take judicial notice of the cases Plaintiff submitted in his
8 motions to seal (ECF No. 17 and 19). While Plaintiff has not provided sufficient reasons to seal
9 his entire record, he has provided enough for the Court to replace his address on the docket with
10 his Safe at Home address, to redact his address and email, and to replace his name with "John Doe."

11 **IT IS THEREFORE ORDERED** that Plaintiff's motion to seal (ECF No. 12) as it relates
12 to ECF Nos. 12-1, 16, 17, and 19 is granted. These items are to remain sealed.

13 **IT IS FURTHER ORDERED** Plaintiff's motions to seal (ECF Nos. 12 and 16) are granted
14 in part.

15 **IT IS FURTHER ORDERED** that Plaintiff's motion to seal, appending his notice for
16 judicial notice (ECF Nos. 17, 17-1, and 19) are denied as moot.

17 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to replace
18 Plaintiff's address on the docket with his Safe at Home address—P.O. Box 1679, Sacramento CA
19 95812²—and to replace ECF Nos. 7, 15, and 18 with redacted versions of those documents attached
20 to this Order as Exhibits A, B, and C, respectively. The Clerk of Court is also directed to replace
21 Plaintiff's name with "John Doe" on the docket and in all publicly and electronically available
22 documents to conceal his true name. Thereafter the Court directs the Clerk to re-close the case.

23 DATED: July 27, 2021

24 
25 DANIEL J. ALBREGTS
26 UNITED STATES MAGISTRATE JUDGE

27 _____
28 ² This address appears in the Southern District of California's order granting Plaintiff's motion to seal in part. See *Law Offices of Winn and Sims et al.*, 2021 WL 2529617, at *1-2.

3/29/23, 7:02 AM

Gmail - Missing Motion



Darren Chaker <darrenchaker@gmail.com>

Missing Motion

Aaron Blazeovich-Gonzalez <aaron_blazeovichgonzalez@nvd.uscourts.gov>
To: Darren Chaker <darrenchaker@gmail.com>

Tue, Mar 7, 2023 at 7:48 AM

The documents you submitted were filed under seal and I am prohibited from discussing sealed documents, including with the filing party.

I will tell you, however, that all of the documents that were submitted on 2/22/22 have been filed in the 4 case numbers you've identified. Other than that, I can provide no further information. You may want to file a document in the case requesting the status.



AARON BLAZEVOICH-GONZALEZ
Case Services Supervisor
U.S. District Court, District of Nevada - Las Vegas
(702) 464-5421
(he/him/his)

From: Darren Chaker <darrenchaker@gmail.com>
Sent: Monday, March 6, 2023 12:26 PM
To: Aaron Blazeovich-Gonzalez <aaron_blazeovichgonzalez@nvd.uscourts.gov>
Subject: Missing Motion

CAUTION - EXTERNAL:

Good afternoon,

As indicated in the attached email sent to you while on vacation last year, four different motions were mailed to the court. One of them being a NOTICE OF OBJECTION TO A MAGISTRATE JUDGE'S ORDER 2:06-cv-00008-JAD-EJY and along with it would have been an Application to File Under Seal. I spoke to the Docket Clerk a few minutes ago, and it does not appear in the docket.

Would you kindly review your mail log or physical file and see where the motion went? As you know on two different occasions records which should not have been published as a public record were published disclosing sealed records in other cases and sensitive records. I believe this may be another instance of physical records not being handled properly.

Exhibit G

3/29/23, 7:02 AM

Gmail - Missing Motion

Thank you in advance.

Darren Chaker

8549 Wilshire Blvd.

Unit #3169

Beverly Hills, CA 90211

Confidentiality Notice: This message, along with any attachments and/or replies thereto, are covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521, and may be legally privileged. The information contained in this electronic e-mail and any accompanying attachment(s) is intended only for the use of the intended recipient and may be confidential and/or privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying, or retransmission of this message is in violation of 18 U.S.C. 2511(1) of the ECPA and is strictly prohibited. If you have received this communication in error, please immediately notify the sender by return e-mail, and delete the original message and all copies from your system.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
12

13 JOHN DOE¹,

14 Plaintiff,

15 v.

16 FELIPA R. RICHLAND; RICHLAND &
17 ASSOCIATES; and NATHAN
18 ENTERPRISES CORPORATION, doing
19 business as Online Motors;

20 Defendants.

Case No.: 05-cv-1714-H-LSP

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
EX PARTE MOTION TO SEAL**

[Doc. No. 19.]

21 On August 9, 2021, Plaintiff John Doe ("Plaintiff") filed an ex parte motion to seal
22 the case or, in the alternative, redact all his personal information from the record. (Doc.
23 No. 15 at 21.) The Court recently dealt with a nearly identical motion made by Plaintiff in
24 another case, Doe v. Law Offices of Winn & Sims, No. 06-CV-00599-H-AJB, 2021 WL
25 2662311 (S.D. Cal. June 29, 2021). There, the Court declined to seal the entire case but
26 held that Plaintiff presented sufficient cause for the Court to allow him to proceed
27


28 ¹ The Court replaces Plaintiff's name in the caption with John Doe.

Exhibit H

1 anonymously. Id. at *1. A careful review of the record in this case reveals that the same
2 analysis applies here. As a result, the Court denies Plaintiff's motion to seal the entire case
3 but grants Plaintiff's motion to redact his name from the record. Consistent with this Order,
4 the Court directs the Clerk to replace Plaintiff's name with "John Doe" on the docket and
5 in all publicly and electronically available documents so as to conceal his true name.

6 **IT IS SO ORDERED.**

7 DATED: September 13, 2021

8 
9 MARILYN L. HUFF, District Judge
10 UNITED STATES DISTRICT COURT
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Attorneys for Defendant
NATHAN ENTERPRISES CORP.

DARREN D. CHAKER)	CASE NO. CV05-7851 RSWL (PLAx)
)	
)	
Plaintiff,)	SATISFACTION OF JUDGMENT
)	
)	
-vs-)	
)	
)	
)	
FELIPA R. RICHLAND, RICHLAND &)	
ASSOCIATES and NATHAN ENTERPRISES)	
CORPORATION, <i>dba ONLINE MOTORS,</i>)	
)	
)	ACTION FILED: 11/3/05
Defendants.)	
)	ACTION CLOSED: 1/25/06

WHEREAS, a judgment was entered in the above action on April 5, 2007 and amended May 3, 2007 in favor of Defendants FELIPA R. RICHLAND, RICHLAND & ASSOCIATES and NATHAN ENTERPRISES CORPORATION, *dba ONLINE MOTORS* and against Plaintiff DARREN D. CHAKER in the amount of \$45,500.37 plus interest from the 5th day of April 2007 and said judgment having been fully paid, and it is certified that there are no outstanding executions with any Sheriff or Marshall.

Exhibit I

1 THEREFORE, full and complete satisfaction of said judgment is hereby
2 acknowledged, and the Clerk of the Court is hereby authorized and directed to make an entry
3 of the full and complete satisfaction on the docket of the said judgment.

4
5 DATED: April 27, 2011

RICHLAND & ASSOCIATES

6
7 By: /s/
8 Felipa R. Richland, Attorneys for Defendants
9 FELIPA R. RICHLAND, RICHLAND &
10 ASSOCIATES and NATHAN
11 ENTERPRISES CORPORATION, *dba*
12 *ONLINE MOTORS*
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3/29/23, 12:32 PM

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Exhibit J



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Clerk of the Court
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89101